

THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

I.A. No.310/2019

Un-numbered Company Appeal (AT) (Insolvency) No. ___/2019
(F.No.24.01.2019/NCLAT/UR/90

In the matter of:

M/s Pennar Industries Ltd. Appellant

Versus

M/s Moser Baer Solar Systems Pvt. Ltd. Respondent

Appearance: Kriti Sinha, Advocate for the Appellant.

08.02.2019

This is an application to extend the time granted for curing the defects.

2. The facts of the case are that the Appellant filed the Memo of Appeal on 24.01.2019 and the Office after scrutiny of the Memo of Appeal intimated the defects to the Appellant on the same day and returned the Memo of Appeal to the Appellant on 28.01.2019. The Appellant re-filed the Memo of Appeal on 07.02.2019. It is stated in the Interlocutory Application (IA) that one of the defects was regarding not filing of the certified copy of the impugned final order. Though, the Petitioner has applied for the certified copy thereof, however, same are still awaited. Hence, there is a delay of seven days in re-filing the Memo of Appeal, so, the same may be condoned.

3. Apart from that, the Registry has pointed out that defect No.8 has also not been cured by the Appellant. Defect No.8 is that the Appellant has not filed the original copy of the Board Resolution.

4. Heard the learned Counsel appearing for the Appellant, perused the averments made in the IA as well as Office report.

5. Considering the submissions made on behalf of the Appellant and for the reasons mentioned in the IA, which are sufficient, the delay in re-filing the Memo of Appeal is hereby condoned.

6. As regards Defect No.8, it is seen that an endorsement is made on the defect sheet by the counsel for the Appellant that the Appellant has only single original copy of Board Resolution in its record and same may be presented for inspection as and when directed by the Hon'ble Tribunal. In view of the above, the case may be placed before the Hon'ble Bench for appropriate orders

7. List the case before the Hon'ble Bench under the heading for admission with defect on 11.02.2019.

8. With the aforesaid order, this IA stands disposed of.

(Peeush Pandey)
Registrar